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Article title: Reconciliation and Human Rights in Northern Ireland: A False Dichotomy?

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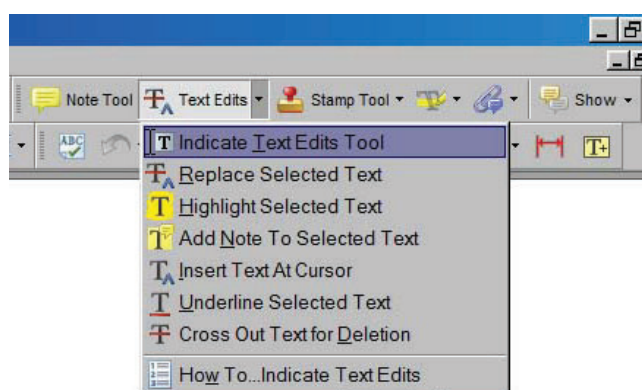


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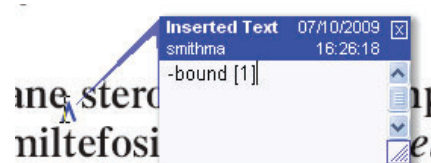


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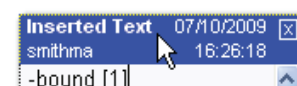
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# Reconciliation and Human Rights in Northern Ireland: A False Dichotomy?

MAGGIE BEIRNE AND COLIN KNOX\*

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## Abstract

Peace building interventions in Northern Ireland have attracted at least two approaches—those which advocate from a human rights-based perspective, and others which promote community relations and reconciliation as a methodology to build and consolidate peace. These interventions have been seen by many practitioners as competing and mutually exclusive. Broadly expressed, human rights participants described their work as primarily about challenging governments; it focuses on issues of accountability; it relies on the law and legally imposed frameworks; it is a mixture of 'soft' and 'hard' law; it has, for some human rights practitioners, a confused stance regarding the overlap between civil and political rights on the one hand, and economic, social and cultural rights on the other; and it relies greatly on international concepts, standards, and campaigning. Exponents of reconciliation, on the other hand, argued that their work is primarily about bottom-up human dynamics and relationship-building; the creation of trust as a prerequisite to working together and breaking down barriers; and, the importance of processes as much or more than the eventual product (on the 'how' as much as, or at least before, the 'what'). Drawing on primary qualitative data from activists in both 'camps', this article will evaluate if these approaches represent a false dichotomy which fails to acknowledge potential synergies.



**Keywords:** conflict; peace; reconciliation; transitional justice

## Introduction

Northern Ireland is marking 15 years as a 'post-conflict' society following the signing of the Belfast (Good Friday) Agreement in 1998 which eventually led to a power-sharing devolved government between the two largest parties (Democratic Unionist Party and Sinn Féin) and political stability. Although the violence has largely ceased, there are still threats from dissident groups and an undercurrent of volatility most recently expressed in a dispute over the flying of the Union flag, which led to street riots and disruption. Even though many of the contentious political issues have been resolved, there remain a

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45 number of problems which have proved intractable, including how best to  
deal with the past (victims of the 'troubles'); cultural parades and commem-  
orations; a highly segregated society (in education and housing); the promo-  
tion of equality and good relations; and how best to achieve a more shared  
50 society. Many within the unionist community believe that their values of toler-  
ance and respect are being threatened by an increasingly aggressive republican  
agenda which challenges their British identity. In human rights terms, some  
have long believed that the greatest threat comes from paramilitaries and  
terror groups, not the state, as the real human rights abusers. The institutional  
realization of this intolerance is expressed, in their view, through the quota  
55 system which ensured affirmative action recruitment from the minority com-  
munity into the new policing arrangements, and bodies such as the Parades  
Commission. Nationalists see the changes to date as failing to deliver their  
political aspirations (of a united Ireland) but ensuring a more level playing  
field. In human rights terms, therefore most nationalists welcome an approach  
60 to peace building involving the identification, investigation and accountability  
of human rights abuses; a process of fundamental reform of the state and its  
institutions to prevent such abuses reoccurring; and the construction of a  
society based on justice and equality in order to remove the causes and occa-  
sions of conflict (Gormally 2012). Notwithstanding these ongoing ideological  
65 differences, the Northern Ireland peace building model has been hailed as a  
success and shared with other conflict countries for the purposes of compara-  
tive learning (Wilson 2010).

The role which civil society continues to play in the process of peace build-  
ing is significant. Independence of mind and often of funding (thanks to  
70 monies from the European Union's peace initiative and funders like Atlantic  
Philanthropies) has helped non-governmental organizations (NGOs) to both  
challenge government and public bodies and hold them to account for their  
commitments to 'rights, safeguards and equality of opportunity' set out in the  
Belfast (Good Friday) Agreement. However, Felner's work on the difficult  
75 position in which one prominent human rights organization, the Committee  
on the Administration of Justice (CAJ), found itself illustrates the dilemma  
over NGO independence. CAJ tried to be independent in various ways: in par-  
ticular, to be equally attractive to unionists and nationalists it was neutral on  
the constitutional status of Northern Ireland, and it sought to uphold inter-  
80 national human rights law as it applied to the jurisdiction. Yet these very prin-  
ciples were relied upon by critics when questioning the organization's bona  
fides. So, for example, some claimed that neutrality on the constitutional  
status only gave credence to those who questioned Northern Ireland's consti-  
tutional status (and therefore privileged a nationalist/republican perspective).  
85 Others insisted that the abuses of terrorists were so heinous they must be  
addressed, regardless of whether or not there was a clear basis in international  
human rights law for such interventions. Felner noted that this 'illustrates that  
sometimes the political constraints faced by human rights NGOs in a conflict


situation are so compelling that they can be a crucial factor in determining the policy positions of those NGOs' (Felner 2012: 78).

Many NGOs and activists in Northern Ireland cluster around two thematic areas, those involved in human rights infrastructure and building support for rights, and those involved in community peace building and reconciliation work (see examples in Tables 1 and 2 respectively). Over time these approaches have been seen by some as opposing 'camps', somehow competing as methodologies to secure transitional justice and a shared society in Northern Ireland. The study described in this article therefore posed the following research question: How do reconciliation and human rights practitioners experience tensions between their work on the ground, and how might these be resolved?

The study involved in-depth interviews with fourteen reconciliation and human rights activists and six key stakeholders from academia and equality and human rights statutory bodies during the early months of 2012. Purposive sampling was used to select interviewees—those people most relevant to the research question posed (Bryman 2012). Interviews were conducted jointly by two researchers, one with wide-ranging experience as a human rights practitioner, and the other an academic involved as an evaluator for projects in the field of reconciliation. Joint interviews therefore allowed the researchers to participate in both these thematic areas and assimilate ideas from the other's field of interest. This approach also provided the researchers with an opportunity to understand and challenge each other's thinking and preconceptions. All interviewees were assured anonymity; no respondent is identified by name in the research. The article is structured as follows: the ideological debate on the difference between rights and reconciliation and practical barriers to a more integrated approach; potential opportunities to bridge this 'false dichotomy'; and some suggestions as to how a more integrated approach might add value in the future. The narrative which follows attempts to capture the opinions of activists in their own words or summarized opinions.

The research is informed by a collection of scholarly works on Colombia, Sierra Leone and Northern Ireland edited by Babbitt and Lutz (2009) in which they argue that human rights and peace advocacy can make a unique contribution to conflict resolution but become more effective through mutual cooperation. Mertus (2011: 128) also contends 'although the identification of violations, victims and perpetrators remain crucial' through setting human rights standards, monitoring state compliance and exposing wrongdoings, 'the array of actors involved in human rights activities has broadened substantially, blurring the lines between human rights and peace work'. In a similar vein Aiken (2013), in his work on South Africa and Northern Ireland, argues that transitional justice interventions can best contribute to post-conflict reconciliation if they help to promote contact, dialogue *and* the amelioration of structural and material inequalities between former antagonists.

Table 1. Human rights infrastructure and building support for rights

NGO	Purpose of the NGO
Committee on the Administration of Justice (HR Trust)	To protect human rights and support the development of sustainable and independent capacity to ensure that human rights principles and standards are reflected in law and policy in Northern Ireland. Focus areas include dealing with past abuses, criminal justice and equality monitoring.
Law Centre NI	To enhance the capacity of the Law Centre to protect rights and increase access to justice and services in areas within the direct competency of the Northern Ireland Executive (e.g. social care and welfare, employment, tribunal reform and legal aid).
Disability Action	To secure better rights and protections for people with disabilities and to increase the participation of people with disabilities in policy making.
Northern Ireland Council for Ethnic Minorities (NICEM)	To enable NICEM to secure better rights protections and improve access to justice and services for minority ethnic communities. Focus on monitoring government actions on implementing Race Equality Strategy.
Human Rights Consortium	To support civil society in securing better rights protections and to build a broad coalition of support for human rights and equality. To maintain capacity to hold government to account by supporting independent actions across all sections of Northern Ireland community and to support campaigns for specific policy and practice change. To continue and complete its campaigning work regarding a Bill of Rights for Northern Ireland.
Northern Ireland Human Rights Commission	<del>To protect and promote human rights by enabling the Northern Ireland Human Rights Commission to develop a Human Rights Education and Training programme for the Northern Ireland Civil Service.</del> 

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	South Tyrone Empowerment Programme (STEP)	To enable STEP to secure better rights protections and improve access to justice and services for minority ethnic communities. Focus on monitoring government actions on implementing Race Equality Strategy.
	Community Foundation for Northern Ireland	To support the development of community driven advocacy efforts and facilitate connections and networks with policy makers and politicians. A rights-based approach to community development. To support the engagement of disadvantaged communities in shaping how public services are delivered by local councils. Enabling communities to influence public service delivery.
	Public Interest Litigation Fund	To support the advancement and protection of human rights through promoting the use of strategic litigation in Northern Ireland.
	Participation and the Practice of Rights Project	To support and enable marginalized communities to bring about changes in public policy by using a human rights-based approach.



Table 2. Community peace building and promoting reconciliation

NGO	Purpose of NGO
Suffolk Lenadoon Interface Group (SLIG)	To provide support for peace building between the Suffolk and Lenadoon communities and to enable SLIG transition to become a key advocate in monitoring and holding government to account for Programme for Government commitments including improving quality of public services at interfaces.
Intercomm	To enable Intercomm to become a key advocate in monitoring and holding government to account for Programme for Government commitments including improving quality of public services at interfaces.
Fermanagh Trust	To encourage the development of shared education in Fermanagh by incentivizing schools to work more collaboratively and to build an advocacy based on the reconciliation, educational and economic benefits of shared education.
Northern Ireland Alternatives and Community Restorative Justice Ireland	To support the mainstreaming of community based restorative justice and divert young people away from antisocial behaviour and engagement with paramilitary groups.

## Ideology and barriers

Most interviewees noted that there were some tensions between the pursuit of ‘human rights’ and ‘reconciliation’ as understood in the Northern Ireland context—both real and perceived. However, all agreed that in principle the themes are interdependent and that there might therefore be value in greater synergy within and between projects. Indeed, many interviewees described their work on the ground as giving practical expression to both agendas—so why is there any perceived tension? We analyse the qualitative data gathered on perceived tensions between human rights and reconciliation practitioners in Northern Ireland under three main headings: definitions and discourse; values and tactics; and false dichotomy. These summarize the reasons given for *‘the ideological war in which people in both camps deride and belittle each other’* (to use the florid language of one interviewee).

### Definitions and discourse

There are clearly differences and ambiguities in the definitions being used. Not everyone has the same understanding of ‘human rights’ or ‘reconciliation’ and interviewees sometimes resorted to ‘caricaturing’ both disciplines, whilst decrying the misunderstandings that resulted (Wells 2006). A sympathetic analysis, however, would recognize that human rights work is primarily about addressing governments; it focuses on issues of accountability; it relies on the law and legally imposed frameworks; it is a mixture of ‘soft’ and ‘hard’ law; it has, for some human rights practitioners, a confused stance regarding the overlap between civil and political rights on the one hand, and economic, social and cultural rights on the other; and it relies greatly on international concepts, standards, and campaigning (Harvey 2001a). A human rights-based approach to peace building is, according to Schabas and Fitzmaurice (2007: 47), ‘the incorporation of international human rights standards into the policies and projects established to aid the peace-building and reconciliation process. This human rights-based approach offers an explicit normative framework underpinned by universally recognized moral values and underpinned by legal obligations.’

A reconciliation activist, on the other hand, argued that her work is primarily about bottom-up human dynamics and relationship building; the creation of trust as a prerequisite to working together and breaking down barriers; and the importance of processes as much or more than the eventual product (about the ‘how’ as much as, or at least before, the ‘what’) (Bland 2002). More formally, Kelly and Hamber (2005: 17–18) define reconciliation as ‘moving from the premise that relationships require attention to build peace. Reconciliation is the *process* of addressing conflictual and fractured relationships and this includes a range of different activities.’ The process, as defined, involves five interwoven and related strands: developing a shared vision of an interdependent and fair society; acknowledging and dealing with the past;

building positive relationships; significant cultural and attitudinal change; and substantial social, economic and political change.


Critics of either discipline could use the exact same lists and turn the supposed strengths of the other's approach into a weakness—so human rights work could be and is often described by its critics as too legalistic, too state-centric, and too focused on international principles to successfully affect local realities and divisions. Critics of a reconciliation approach may be concerned that relationship building predominates over the challenge function, ignores power differentials between those being reconciled, and neglects the role of the state in creating or maintaining divisions (McVeigh 2002; Lamb 2010). McEvoy, McEvoy, and McConnachie (2006: 82), for example, argue that a successful peace process in Northern Ireland has been achieved 'which effectively sidelined a significant reconciliation industry' because reconciliation became synonymous with healing relations between two religious blocs ('two tribes' approach) without acknowledging the role of the British state in the conflict. Hence the term 'reconciliation' was seen as a 'dirty word' used and abused, which was 'anti-ex-combatant, weak in rights' protection, and geared towards creating an imagined middle ground' (ibid: 98).

So, there are abstract definitional issues, but these different starting points are potentially polarized even further when reflecting on how they work in the Northern Ireland context. Several people noted that the focus on state abuses by human rights activists is seen by their critics to put them firmly in the nationalist/republican camp; reconciliation advocates in Northern Ireland can be painted as colluding with a state agenda of defining and 'containing' the problem in colonial terms (the 'two tribes' approach).

A fundamental rights critique of the reconciliation agenda was exemplified by several interviewees in the approach supposedly taken by the Community Relations Council<sup>1</sup> which sees Northern Ireland purely in terms of its sectarian divide (Porter and Cochrane 2003; Porter and Archer 2004). Numerous examples were provided of constituencies of need that feel totally excluded by this narrow definition of reconciliation. Racism (despite being linked with sectarianism in the good relations duty<sup>2</sup> itself) is not treated seriously on its own merits. Disability is completely excluded from the community relations agenda, presumably on the grounds that people with disabilities are not

1 The Community Relations Council was set up in 1990 to promote better community relations between Protestants and Catholics in Northern Ireland and, equally, to promote recognition of cultural diversity. Its strategic aim is to promote a peaceful and fair society based on reconciliation and mutual trust.

2 The Good Relations Duty: A public authority when carrying out its functions relating to Northern Ireland, must have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group. Section 75(2) of the Northern Ireland Act 1998 places a statutory duty on public bodies to proactively address good relations. This means a public authority must consider how the policies it makes and implements affect relationships between people of different religions, political opinions and racial groups.

sectarian, nor do they need any assistance in dealing with communal tensions. Similarly, people with disabilities appear not to  on the interfaces (areas where Protestant and Catholic communities abut) given their absence in interface peace building efforts. People living in rural areas, older people, or migrant workers may all find more in common with others in the same situation than with people primarily defined by the same religious/political affiliation: for these people, reconciliation (as epitomized in much community relations work) ignores their needs and interests (Meehan 2012).

Nor is the problem one merely of exclusion. By being included in certain kinds of reconciliation, one loyalist interviewee was concerned about the emphasis given to their differences from neighbouring (republican) communities rather than to the many commonalities (their common humanity, poverty, political exclusion etc.). Some at the receiving end of what they described as traditional reconciliation efforts felt that those efforts unintentionally encouraged sectarianism (Officer 2007). It was suggested that community relations work sometimes emphasizes stereotypical attitudes about both communities, and disregards any internal contradictions. The same person felt she was fortunate to have found her way to empowering rights work before realizing that, as a Protestant and loyalist, she apparently ought not to be doing such work.

The issue of language loomed large in the discourse of reconciliation and human rights. One interviewee was quite explicit in explaining that she used the language of ‘human rights’ and of ‘reconciliation’ with different audiences, but often did not use either, because it might block rather than facilitate discussion. Instead of labelling herself as either a rights or reconciliation advocate, she saw her work as a combined approach which was, in effect, *‘community development and community advocacy at its best’*. Several interviewees referred to drawing in, and on, expertise as need be, but not necessarily feeling it useful to use the same language in their own work. So, one interviewee reported that, if asked about his work, he would say it sought to *‘heal relationships between the state and communities’* or *‘bring the state closer to local communities’*, which is probably a melange of reconciliation and human rights vocabularies.

Some interviewees could see the value of explicitly using human rights arguments but, on the grounds that this did not come naturally to all communities, they preferred to develop ownership of the language, and the claims being made, very steadily. *‘We slipped the language into the discourse in an attempt to test it quietly’*, said one interviewee. Others, working in a more mixed environment, and presumably with less credibility to build upon when engaging with hostile or sceptical reactions, were more wary, saying that human rights would not be seen as *‘the first tool in the toolkit’*.

Nor is the language question solely a problem of ‘politics’. One interviewee alluded to the religious underpinning of the term ‘reconciliation’ and its roots in a world view in which people are encouraged spiritually to become

reconciled with themselves and their God. Clearly this is a very different discourse from that of law and rights (indeed, human rights claims are sometimes caricatured as antithetical to religious morality/faith).

### Values and tactics

Interviewees agreed that—when presented as dry legal concepts—human rights often attract little public understanding or sympathy; but most also agreed that human rights, in fact, speak to fundamental values that people willingly espouse (one person saying ‘*people have an innate sense of justice*’). One interviewee remarked on the fact that it is only when these widely shared values are translated into difficult questions (‘you said you would do this’, ‘why have you not done so?’, or ‘when will you do it?’) that human rights start to be characterized as confrontational or adversarial. Whilst no one suggested that human rights should be shorn of its ‘accountability’ edge to render it cosy (and many argued against it on the grounds of displaying false colours), this may mark a clear parting of the ways between the two approaches.

So, a human rights activist said she was happy to be helped to reconcile with the idea that everyone (even one’s worst enemy) has the same rights, and that this requires negotiation between many different individuals/groups, but refused to be reconciled with inequality or injustice as such. This seems to be at odds with the stance of a reconciliation interviewee who, giving the example of racism, was dismissive of policy responses but found that racism and community cohesion was better addressed by befriending racists to get them to change.<sup>3</sup> It also may suggest that rights and reconciliation advocates have different views regarding the causes and nature of conflict, or the Northern Ireland conflict specifically. Others wondered if the differences in approach arise from different understandings of how one affects change, and how one tackles either the causes or the symptoms of conflict, or indeed both.

There is also a certain level of disrespect regarding the tactics pursued by the two disciplines. For the sake of argument, let us assume the accuracy of one interviewee’s claim that ‘*Protestants are culturally happy with principles such as being good to one’s neighbour, but feel that the language of equality and rights is being superimposed on society*’. For a reconciliation practitioner this analysis would lead inevitably to the conclusion that reliance on a human rights discourse is counterproductive and, more importantly, that any human rights advocate persisting in using such an approach is either being obtuse, or deliberately insulting to their audience (Lochery 2006). But (leaving aside the question of language) a human rights practitioner bases their credibility and legitimacy upon international and external objective criteria; this allows them

3 An English example was given where a decision was made to reach out to the editor of a discredited muckraking local newspaper which was fanning communal hatred and—rather than challenge his newspaper’s practices—to encourage him to engage directly in activities with the local communities.

only limited flexibility in engaging with individual Protestants in language they might find more culturally appropriate.<sup>4</sup>

Several examples were given of false caricatures of ‘the other’. So, why are human rights characterized as ‘individualistic’ when they are anything but? How is it possible rationally to describe the Bill of Rights project<sup>5</sup> as an ‘individualized’, ‘self-centred’, or ‘me first’ project? Someone else asked why the reconciliation approach is always characterized as leaving the state out of the equation: citizenship programmes focus on citizen-to-citizen relations but also of course explore the citizen – state dynamic. But it was also surprising how ‘personalized’ the criticism was on occasion, with the human rights sector being described as ‘prickly and arrogant’ and adopting a ‘holier than thou’ attitude, and someone described the two agendas as operating in ‘parallel universes’.

A common issue that many interviewees raised (both positively and negatively) was the reliance of human rights work on the law. While ‘human rights’ and ‘law’ are not synonymous terms, there are important synergies. Yet law is almost by definition (particularly for those used to the common law tradition) seen as a confrontational and adversarial tool. For many, this is a positive attribute—in that the law redresses alienation and mediates conflict so that worse (violent) responses are not resorted to.<sup>6</sup> For others, a reconciliation approach privileges conciliation/mediation and, if violence is the last resort, legal disputes probably come a close second.

The tactic of human rights practitioners using both soft and hard law can also be confusing, not to say alienating, for reconciliation practitioners. So ‘soft law’ approaches provide more flexibility and avoid challenges of human rights being overly ‘legalistic’ (Whitaker 2010). But emphasizing human rights values (e.g. participation, transparency and accountability) rather than citing black letter law may raise false expectations (one interviewee) or risk dangerous ‘fuzziness’ (another).

Another way in which ‘rights’ and ‘reconciliation’ tactics appear to diverge is with regard to sequencing. So, for example, there appears to be a willingness on the part of reconciliation activists to incorporate the idea of rights, but only—given the risk of controversy—once a certain level of trust has evolved

4 For the avoidance of doubt, the same arises elsewhere, with human rights advocates not relying upon Catholic social teaching when talking to Catholics, or on a class analysis when talking to Marxists or trade unionists. Human rights people see the strength of the discourse lying in its universalism: indeed, this very principle is relied upon to protect them against the reality or the perception of relativism, politicization or particularization.

5 Provision for a Bill of Rights for Northern Ireland was originally included in the Belfast (Good Friday) Agreement. Creating a new legal framework was seen as an important aspect of rebuilding confidence in the legal system but a Bill of Rights has not yet been secured.

6 The Universal Declaration of Human Rights notes in one of its preambular paragraphs that its origins lie in part in the belief that ‘it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law’. See also Dickson 2010.

between those involved. This approach was largely decried by rights activists who feared that a phased approach would mean that issues of (in)justice never get properly discussed, and that this would, in turn, undercut both rights and reconciliation objectives.

Yet even if one could agree on whether or not to ‘sequence’ the different approaches, rights and reconciliation practitioners may still have different long-term goals. One rights interviewee noted with dismay a supposed claim by a reconciliation activist that equality legislation could be dispensed with once the various competing groups had been reconciled. His own view was that equality was a good in itself, and was vital to the creation of a truly reconciled society.

### *A false dichotomy?*

One very marked conclusion was that the difference between the two themes may vary greatly depending on where one carries out one’s work. Nearly all the community sector interviewees talked in both reconciliation and human rights terms interchangeably (both explicitly and implicitly). One community-focused interviewee dismissed the ‘rights versus reconciliation’ as a false dichotomy: *‘it does not work that way on the ground’*. Others also said that it might be at the interfaces where a combined reconciliation/rights approach would most frequently be pursued. After all, interface work requires close cooperation across the sectarian divide where the toolkit of reconciliation should help in that regard, and the rights toolkit may help mediate the inevitable tensions and conflict that will arise from time to time in such work. Some of the restorative justice projects similarly take a rights-based framework (where victims and perpetrators come together to repair the harm caused by the latter), but in their victim focus and their cross-community cooperation draw upon reconciliation approaches.

So, maybe it is only when seeking to influence policy, and engage more directly with decision makers, that any tensions between the different approaches become more apparent. It was impossible to determine on the basis of the interviewees alone, but maybe there are different emphases within Northern Ireland’s community and voluntary sectors?

Some interviewees suggested that the tensions between rights and reconciliation—to the extent that they exist—may simply be imported from different academic disciplines. Human rights academics are often lawyers or political scientists, whereas the field of education and peace building is populated more by psychologists and sociologists; the former tend (professionally) *‘to focus on normative standards, the latter on methodological robustness’*. Another potential ‘culprit’ for the apparent divisions may lie in the fact that Northern Ireland has created distinct statutory institutions to ensure the promotion of equality, human rights, and community relations. One interviewee suggested that institutional rivalry, and a competition for resources, may inhibit more

synergy across all of these domains (including work with children/older people etc.), but this idea was very strongly disputed by an interviewee from one of the statutory institutions concerned.

### Bridges to an integrated approach

#### *Why it makes sense*

So, given this extensive listing of the many supposed differences, and even tensions, between rights and reconciliation, why was there a unanimous view that barriers which exist should be overturned, and that more bridges should be built?

More than one interviewee mistakenly assumed that they fell into the other category for the purposes of the research (i.e. a reconciliation activist self-identified as a rights activist and vice versa) which, at the very least, implies an extensive crossover in practice between the two disciplines. Several interviewees dismissed the supposed tensions as ‘artificial’, ‘unreal’, ‘merely perception’, or ‘nonsense’, and one or two expressed reservations at this study giving any credence to claims that such tensions exist. One person noted that there were indeed tensions, but tension should not always be seen in negative terms—change only comes about as a result of addressing tension. Others argued that both agendas are weakened given a lack of sufficient synergy: one interviewee suggested that human rights people can become too wedded to outcomes, and reconciliation people to process, when it is really changes in both process and outcomes that are needed (Love 1995; Knox and Quirk 2000).

As a rights interviewee said: ‘*relationships are a self-evident problem in Northern Ireland and therefore are a necessary condition for peace building*’, but the implication was that reconciliation was an insufficient condition. Similarly the reverse is true: rights are a necessary but insufficient condition for peace<sup>7</sup> (Power 2011). If both approaches are necessary, but insufficient on their own, there is added value in greater synergy. The moment is opportune for reconceptualizing the rights/reconciliation dynamic. Several noted their concern that the macropolitical scene is conveying the message that ‘all is sorted’ and the risk that this poses to the peace process itself. The political arrangements have stabilized in such a way that facilitates and indeed encourages deal making between political elites so the status quo will only be challenged if those suffering from increasing social and economic disparities speak up, and speak up across the traditional political divides. Interviewees argued that a combined rights/reconciliation approach instils a sense of dignity in disadvantaged individuals and communities, encourages them to

<sup>7</sup> See, for example, the parades disputes that rumble along, fanning much localized hostility and fear: the creation of a rights construct (legislation, an adjudicating body, improved policing, a framework for local negotiation) is a necessary but insufficient condition for a peaceful society.



come out from behind psychological and physical walls, and empowers them to hold their elected representatives to account. If the peace process is to deliver to people on the ground, a rights/reconciliation approach could prove both powerful and timely.

Most people agree that Northern Ireland needs still to deal comprehensively and effectively with its past. If anything is likely to undermine the move towards mutual respect and neighbourliness, it is a failure to address what went wrong in the past and draw lessons for the future: it is not enough that the Democratic Unionist Party and Sinn Féin have found a way of working together (welcome though that is). But dealing with the past is a topic that self-evidently needs to be addressed via the prism of both rights and reconciliation; it is also the arena where (if international experience is anything to go by) the most genuine tensions can arise between the different approaches. Several people noted that a rights/reconciliation synergy was vital to addressing the important question of Northern Ireland's past (Gawn 2007; Duffy 2010). Around the world, difficult questions of transitional justice are being hammered out.<sup>8</sup> The past has the potential for laying a solid foundation for Northern Ireland moving on, or for providing multiple opportunities for regression (Sullivan, Loyle, and Davenport 2012). It is also clear that there is a need to think about these issues in terms of both rights and reconciliation, since the two approaches might otherwise undermine each other. One interviewee commented on the argument that *'people who talk about rights and equality need to pipe down ... (because they) are somehow impeding the progress to a better future'*, saying reconciliation which is not founded on rights and equality is a chimera.

Addressing the past is not necessarily in the interests of the political leadership (in the UK, Ireland, or in the Northern Ireland Executive and Assembly) who prefer to insist that the conflict is over. Yet it is clear from the interviews that Northern Ireland society remains deeply traumatized, and ignoring this fact presents a real risk of regressing (Smyth 2007; Manktelow 2007). Accordingly, it was argued that those who are working on the past need to liaise closely with the Bill of Rights campaigners, and they both need to work with the equality campaigners, and they all need to consider their role in addressing questions of youth unemployment, residential segregation, educational disadvantage, and so on. One interviewee wondered why the debate around 'dealing with the past' seemed to be focused largely on ex-prisoners/victims and the like, and to exclude any and all consideration of the legacy of socio-economic deprivation that both fuelled the conflict and has been exacerbated by it (Rolston 2006; Simpson 2009). Accordingly, efforts need to be

8 Questions such as: Are amnesties a good or bad thing? What is to be done with and by ex-combatants on all sides of the violent conflict? Should one talk of 'victims' or 'survivors'? Are some people/institutions more 'innocent/guilty' than others? Does it matter that individuals and communities had very different experiences of the conflict? What stories need to be told and by whom? Is there a shared truth to be distilled? What lessons can be learnt for the future? etc.

undertaken now to build some bridges. If anyone is to define these terms and this work, it should be the people working in these fields and making the two disciplines a lived reality; that will only happen if more explicit efforts are made to create value added in this fraught and sensitive topic.

### *Synergies in practice*

We now consider the value which interviewees placed on developing more synergies, and examples of how, in practice, this might happen.


An obvious first step to closer collaboration between rights and reconciliation activists would be greater respect for each other. No one is going to rush to cooperate if they are made to feel like a ‘Castle Catholic’<sup>9</sup>/quisling/too soft/confrontational/arrogant—all derogatory epithets reported to the authors of this article. People need in particular to have respect for the benefits to be gained from developing complementary skills. Rights projects should consider how they might benefit (in their own terms of securing greater rights protection) by developing more skills in relationship building, and reconciliation projects should consider how an approach addressing human rights issues might help them (again, in their own terms of relationship building across the divides).

A few interviewees noted that one obvious vehicle for such collaborative endeavours might lie with the Bill of Rights campaign.<sup>10</sup> This is a campaign that is intended to secure more rights protection for everyone, but one that can only be successful if it is seen as a ‘relationship charter’ for how people might all share the space that is called Northern Ireland (Kavanagh 2004; Egan and Murray 2007). On the other hand, despite many years of campaigning, it is probably fair to say that the campaign is better understood by its detractors (politicians) than by the supposed beneficiaries. Have those involved in the campaign fallen into the rights ‘trap’ alluded to earlier of perhaps being too focused on ‘outcomes’ to the exclusion of ‘processes’? Could they secure better outcomes by a greater emphasis on processes, and would the Bill of Rights debate provide useful content for reconciliation practitioners wanting to tackle relationships across all of Northern Ireland’s many constituencies of interest?

As noted earlier, the synergy between rights and reconciliation seems already to be most advanced in practice on the ground, but are rights and

9 ‘Castle Catholic’ (after Dublin Castle, the centre of the British administration) was a derogatory term applied by Republicans to middle-class Catholics assimilated into the pro-British establishment.

10 There was no agreement that a Bill of Rights would prove an attractive vehicle for social change at the local level, but there was a recognition that it directly and indirectly addresses issues of concern to local people, such as democracy, good governance and accountability. It will, however, only become a force for change if its proponents help make the links to people’s everyday lives and, as a community interviewee noted: ‘*institutional focus is sound enough but must ensure people have a sense of agency*’.

reconciliation practitioners at the policy level giving local communities enough support? To take just one example: if poverty, and the human rights abuses that create and maintain it, remain an important legacy of the conflict and risk undermining the peace, it is incumbent on practitioners from both rights and reconciliation projects to help tackle that agenda (Chaney 2011). One community worker referred to the fact that the Neighbourhood Renewal Strategy<sup>11</sup> was intended to tackle disadvantage in the most vulnerable areas, but never secured the necessary buy-in from all relevant government departments. Instead, money seems to be going to ‘Catholic’ or ‘Protestant’ areas per se, rather than on the basis of need; this is counterproductive in terms of both rights and reconciliation. Yet, no one is being held effectively to account. If people are to see the  fits of the peace process, and persistent socio-economic inequalities are to be overturned, government needs to deliver, and that will only happen if local people are supported to transcend communal divisions and challenge those who, either locally<sup>12</sup> or at a Northern Ireland level, are excluding them from decision-making processes (Harvey and Aughey 2002).

It was quite marked that the interviewees exhibiting most comfort in using a rights *and* reconciliation approach seemed to be those working primarily in or with working class communities.<sup>13</sup> Poverty and social exclusion were cited by several interviewees as a mobilizing force for their work, as was the fact that these problems exhibit themselves in different ways across the sectarian divide (Harvey 2001b). There was a real desire to share learning across the divides, not least as a way of countering the ‘divide and rule’ brigade. People also alluded to the current political arrangements which encourage a ‘divvying out of goodies on a 50/50 basis’, in disregard of need and differentials on the ground. Taking a rights and reconciliation approach to these challenges allows for a more active engagement in policy making by those most directly affected. This would mean that those currently living in poverty will gain a sense of agency, and that there will be a real opportunity to overturn injustices which have been more easily maintained precisely because of the sectarian divides.

Several interviewees implied that the more traditional ‘top down’ or policy approach, whether from rights or reconciliation practitioners, is likely to be

11 Neighbourhood Renewal is a cross-government strategy established in 2003 and aims to bring together the work of all government departments in partnership with local people to tackle disadvantage and deprivation in all aspects of everyday life.

12 Accountability can be all too easily politicized along ‘green/orange’ lines but interviewees also spoke of challenges in single-identity communities. One interviewee wondered: ‘*Why have Sinn Féin been unable to deliver social and economic change in West Belfast, an area which it has represented politically for many years?*’ More than one interviewee also referred to the fact that some loyalist communities are seeing a reassertion of control by former paramilitaries.

13 Two interviewees who could be characterized as being at respective ends of the rights – reconciliation spectrum might be described as the least comfortable with a poverty approach.

insufficient. One interviewee argued that the key to empowering people lay in *not* imposing a rights framework on local initiatives, but rather offering the rights construct as an option. As a general rule, no one describes concerns about damp in flats (or the disparaging treatment of people with mental health issues, or racist attacks, or a failure to treat hospital patients with dignity) as a ‘human rights abuse’, or cites chapter and verse from international law. Equally, few people see it as a priority to build bridges to people on the other side of a peace wall for the sake of it. Yet, by focusing on the needs of local people, a rights approach helps them to see that walls (psychological and physical) are standing in the way of them making the change they seek.<sup>14</sup>

It is also however questionable if a geographically localized ‘bottom-up’ approach, to the exclusion of others, can adequately address wider issues of social cohesion. Several noted that the arguments against racism, sectarianism and homophobia have not been won yet, and in this regard Northern Ireland is not so different from elsewhere in Europe (see [Council of Europe 2011](#)). Concerns around disability are only now beginning to be addressed by rights practitioners, and remain largely invisible to reconciliation advocates. The exclusion of people with disabilities, new migrants, ethnic minority communities, people of differing sexual orientation and others requires changes in legislation, in institutions, in policy, and in practices, as well as in terms of relationships.

One practical initiative might be for reconciliation and human rights activists to routinely ‘equality proof’ their own agendas, activities, and practices to ensure that they reflect the respect for diversity that they claim to promote ([Ruohomaki 2010](#); [Harvey 2012](#)). Many communities of interest are not reflected within traditional political or decision-making structures, so a focus on rights is both individually and collectively empowering, and a focus on relationships (inside and outside the group) could assist with the capacity building that facilitates integration and the influencing of broader social, economic and political arrangements ([Corry, 2012](#)).

*The rights approach is very useful in disability, providing a toolkit to lobby for policy change; offering a significant challenge function for public bodies; and moving the individuals involved out of their own comfort zone and encouraging them to address issues of multiple disadvantage . . . But we also need to build capacity, and here reconciliation approaches might help. Disability also helps other forms of reconciliation since it opens the door for discussion of even more contentious issues and helps tackle prejudice of all kinds . . . [those who argue] that reconciliation*

14 One interviewee cited housing regeneration work done in Catholic areas of North Belfast as something that would be much more ‘acceptable’ to working class Protestants in other parts of the city if they felt that ‘their’ issues such as educational disadvantage were also being addressed: taking a rights-based approach to issues such as housing and education means that cooperative approaches can become not only necessary but possible. .

*is only to do with Catholics and Protestants are disregarding the cross-cutting dimensions of disability.*

Similarly we were told of work done to counter racist attacks in the Donegall Pass area of Belfast, where equality efforts reportedly bridged both rights and reconciliation approaches and built unusual alliances which proved to be of mutual benefit to all local residents.

One way in which reconciliation activists might create more synergies would be in tackling charges that they focus on processes to the exclusion of outcomes, by using rights issues to tackle community divisions.<sup>15</sup> Practice on the ground suggests that the obstacles to such work are not as serious as might be imagined in theory. Similarly, one of the ways for rights advocates to break down the misunderstandings that arise over their ‘legalistic’ or ‘outcome driven’ approach is to diversify their message. Several interviewees argued that human rights practitioners needed to reach out more effectively to different communities and make human rights practical and useful to their daily lives. Helping unpack ideas in UN treaties, recording violations, and monitoring compliance are all crucial. An example was given of children on the Shankill watching out for, and keeping a record of, broken glass on their estate and the delays in Council action. This is ‘human rights monitoring’ but it is unlikely that many people on the Protestant Shankill (or the Catholic Falls) would come along to a seminar run by lawyers entitled ‘human rights monitoring’. People do want change, and they want sustainable change, so they need to be assured that human rights is of relevance to these objectives.

### *Opportunities and challenges*

Of course, if such synergies are to happen, there may need to be more awareness of the principles, tactics and approaches used by the ‘other’ discipline. Northern Ireland has a vibrant community and voluntary sector which has extensive policy experience and interest to draw upon. But change can only be effected if people needing to effect the change, and elected politicians and their officials, engage constructively. Northern Ireland has never been entirely ‘normal’, so the transition to a society in which vibrant, energetic, informed and effective policy debate and decision making takes place between governors and governed, and between the governed themselves (i.e. democracy at its best), will not happen easily (Mitchell 2011).

A key building block for creating such a society lies in rights and reconciliation work with Northern Ireland’s young people. The goal of human rights education is, in essence, to impart an understanding of the first article of the Universal Declaration of Human Rights—that ‘All human beings are born free and equal in dignity and rights’. But the same opening article continues

<sup>15</sup> One interviewee spoke of the fact that reconciliation activists could improve their work by drawing more routinely on the Universal Declaration of Human Rights as a codification of human rights standards.

with the assertion that all human beings ‘should act toward one another in a spirit of brotherhood’, which (leaving aside the 1948 sexist language) encapsulates well the concept of reconciliation. Yet it is not enough that human rights and ‘brotherhood’ be taught (valuable though that is); these values need to be internalized, and places of learning need to become ‘rights respecting environments’. In this way, young people will understand the value of promoting a rights and reconciliation agenda in the wider society that they are a part of, and to which they want to make a full contribution.

Some interviewees suggested that a practical working out of the rights and reconciliation agenda might be found in the ‘citizenship’ work<sup>16</sup> carried out by schools, since citizenship implies relationships with the state and with others in society. The citizenship curriculum<sup>17</sup> is organized under three thematic areas (diversity and inclusion, human rights and social responsibility; equality and social justice; and democracy and active participation) which address the many concerns raised by both rights and reconciliation activists (Niens, Reilly, and McLaughlin 2006). An important by-product in the past was that it built up a network of teachers who became actively engaged in the debate and delivery of the curriculum as they operationalized the concept of human rights in very practical ways for children. The existence of a network also allowed for a multiplier effect and for cross-community sharing, and therefore was itself capable of modelling a rights and reconciliation approach. McEvoy, McEvoy, and McConnachie (2006: 99) promote the idea of citizenship education as ‘an opportunity for presenting a more grounded understanding of the meaning of reconciliation to the next generation’. In a more recent study, Niens and McIlrath (2010) contend that citizenship education should be based on human rights so as to avoid indoctrination of students into particular republican or loyalist ideologies.

Other valuable educational material exists and reference was made to BORIS (a Bill of Rights in Schools education resource) produced for citizenship teachers and youth leaders by the Northern Ireland Human Rights Commission, but there was also a concern that teachers might feel bombarded with such resources, not all of it equally good. Without support and encouragement, such materials might be filed away on shelves or—just as bad—used for conveying knowledge and information, but not really changing the values of the school and all those in it.

One interviewee referred positively to the example of the Northern Ireland Commissioner for Children and Young People (NICCY) working with

16 It was however noteworthy that one proponent showed no obvious sensitivity to the difficulties the very title might create in a divided society like Northern Ireland, spoke positively about the ‘rights and responsibilities’ approach which was decried by other rights interviewees, and lauded the citizenship curriculum as a way of doing rights work without ‘badging’ it as such (*‘since that might appear to be pushing a particular political agenda?’*)—which again would presumably dismay rights workers.

17 See Northern Ireland Curriculum, <http://www.nicurriculum.org.uk>.

children with learning difficulties and developing child rights indicators based on the UN Convention on the Rights of the Child.<sup>18</sup> However, this begged the question about how much such material is available to those who can best use it. A community worker who had campaigned against the withdrawal of services to children with special educational needs might have found it useful, but probably was unaware of it. Another interviewee spoke positively about the creation of children's budgets and the potential for a variety of local and Northern Ireland-wide groups being brought together to advocate around the NICCY performance indicators to ensure that rights standards were turned into practical effect and contribute to greater social cohesion—but again it is not self-evident that these tools have been made widely accessible.

Maybe creating bridges between different disciplines requires both action and monitoring to capture the learning. When asked about the extent to which work to date has created 'rights respecting' schools, an interviewee thought that the number of student councils has increased and cited another positive example of a research monitoring steering group consisting solely of children and young people.<sup>19</sup> Are these examples valid? Are they relevant to measuring change? Do we not need more than anecdotes?

Another area where more 'bridging' might be required relates to the inside/outside dynamic. Human rights approaches tend to emphasize independence above all and argue the importance of providing an objective, external, perspective. Traditional human rights groups often have strict rules about not taking government money, rarely if ever enter into official partnership arrangements or committees, and do not like normally to mix 'service' and 'advocacy' functions since they require different skills and relationships with officials. Since reconciliation is about developing healthy relationships between individuals and groups, such a premium on 'independence' is unnecessary and even counterproductive. One interviewee said that *'we've done outside, but need to do inside too'*, and several interviewees have also run an inside/outside agenda simultaneously. It would seem strange to suggest that there is only one way of doing either rights or reconciliation work, but it is certainly unfortunate that people are decried for their choices. There would be a value in more understanding of each other's approach, so that people wanting to ensure that *'the money won't silence us'* are assisted in making that happen, not ostracized by a 'holier than thou' attitude. If 'mainstreaming' of certain issues and services is the ultimate goal, it is vital to get government support, but people indicated the value in talking about how to do this without worrying *'have we sold our soul?'*

This brings us indirectly into discussions of funding, and independent funding. Several interviewees talked of the need for more skilling up—including

18 Convention on the Rights of the Child, 20 November 1989 (entered into force 2 September 1990).

19 It was noted that the steering group of children was treated on a par with a steering group of adults and that it was able to bring important insights to the work that adults could not have had.



skilling in collaborative funding applications to ensure that efforts are complementary not competitive, and in ensuring longer-term financial sustainability. There was also a suggestion, from several, that funders had a role in encouraging such bridge building. As one interviewee noted, *'we don't do collaboration well'* but *'there is absolutely more room for synergy'*. Some thought the collaboration would need to be forced, some that it just needed to be facilitated. Others talked of a need for more training opportunities and for more coordinated gathering and deployment of data; others wanted to free time up to reflect back on experiences to date.

There is also room for more synergy between several of the peace building institutions deriving from the Agreement (the Human Rights and Equality Commissions, alongside NICCY, Policing Board etc.).<sup>20</sup> One interviewee commented on the numerous institutional mechanisms created to embed rights and equality that *'are planted in very thin soil'* and the fact that their work would be stronger and more effective if more synergies were created for mutual reinforcement and action. At the very least, it is important to avoid institutional divisions which encourage competitiveness. More positively, one interviewee spoke of the unused potential in what he termed the reconciliation sector to defend, critique and support Agreement institutions which support the peace: *'why are they not actively building support for what is keeping us safe?'* (Richmond and Tellidis 2012).

## Conclusion




We conclude by returning to the research question posed at the start of this article. How do reconciliation and human rights practitioners experience tensions between their work on the ground and how might these be resolved?

As the qualitative research in this article suggests, there are good reasons why it makes sense to undertake a combined approach to rights and reconciliation and there are several topics which would lend themselves to this. Interviewees made reference to a number of thematic areas in which a joint approach might be operationalized to include socio-economic inequalities; wider issues of social cohesion; dealing with the past; education and citizenship; and the potential for joint work around a Bill of Rights campaign. Those active in separate 'camps' should be encouraged to enter into this work in a spirit of generosity and respect, acknowledging that each brings complementary skills to projects in hand. It is impossible at this point to speculate about the potential for added value but where projects have adopted both approaches (albeit often implicitly) they report strengths in the combination. Our understanding of what we have heard from interviewees is summarized in Table 3. This sets out the key characteristics of a human rights and

20 The recently published 'Together: Building a United Community' (Northern Ireland Executive 2013) policy document intends to 'Amend the remit, roles and responsibilities of the existing Equality Commission into an Equality and Good Relations Commission. This will enhance good relations scrutiny by placing it on a statutory basis.'



Table 3. Reconciliation and human rights: characteristics

	Human Rights approach	Integrated approach	Reconciliation approach	
	<ul style="list-style-type: none"> <li>■ Relationship between individuals/groups with valid claims (rights holders) and state/non-state actors with obligations (duty bearers)</li> <li>■ Holding the state to account</li> <li>■ Legalistic</li> <li>■ International law and standards</li> <li>■ Tackle structural inequalities</li> <li>■ Address outstanding legacies of the conflict</li> <li>■ Support human rights and equality institutions set up under Belfast (Good Friday) Agreement</li> <li>■ Promote Bill of Rights</li> <li>■ Outcomes based</li> </ul>	<ul style="list-style-type: none"> <li>■ Focus on ‘where people t’ in their daily lives:</li> <li>■ Tackle social and economic deprivation which impact on quality of life</li> <li>■ Use joint reconciliation and human rights approaches to address needs</li> <li>■ Improvements in poor public services (health, education, housing) which compound poor life chances</li> <li>■ Less explicit use of human rights language or reconciliation (cross-community) motives</li> <li>■ Organic growth in trust building within a human rights framework</li> <li>■ Process and outcomes based</li> </ul>	<ul style="list-style-type: none"> <li>■ Trust building</li> <li>■ Relationship formation</li> <li>■ Contact hypothesis— sustained and constructive interaction with ‘the other’</li> <li>■ More ‘friendly’ than the language of rights</li> <li>■ Negotiate with the ‘other’ while respecting her/his <u>identity</u></li> <li>■ Interdependent and shared society</li> <li>■ A workable Cohesion, Sharing and Integration strategy</li> <li>■ Bottom-up peace building through NGOs and community groups</li> <li>■ Process as important (or more important) than product</li> </ul>	

reconciliation approach separately. In practice, however, an important bridge across this spectrum is an approach based on common needs or ‘starting where people are at’, which takes aspects of both human rights and reconciliation approaches as a way of improving the quality of their lives through addressing social and economic deprivation. This was described to us as ‘making rights and reconciliation a reality for people faced with the legacy of conflict, living in highly segregated communities, and suffering from multiple deprivation’.

As noted, some groups are clearly living out the synergy on a daily basis, and do not need convincing of the linkages to be made between rights and reconciliation, yet they do not routinely appear to make those links explicit. While there was a strong and justifiable concern that caution is needed, there is also a case to be made that the interdependence between the different disciplines should be made more explicit. Good relationships simply cannot feasibly be built on a basis of inequality or injustice, and, just as self-evidently, inequality and injustice will not be secured over the longer term without a breaking down of the barriers of misunderstanding and hostility kept alive by those with an interest in unaccountable power. If the linkages between rights and reconciliation remain merely implicit, good opportunities for synergy are being lost.

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